IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 273/2006
(Bhagwanlal & Anr. Vs. State of Rajasthan & Ors.)

Date of Order : 04/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. B.N.Kalla for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 3.2.2006 passed by Additional Sessions Judge No.1, Udaipur (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioners against the order dated 05.09.2005 passed by Additional District Magistrate (City), Udaipur (for short 'the Executive Magistrate' hereinafter) was dismissed.

Heard learned counsel for the parties. I have carefully gone through the orders passed by both the courts below.

It appears from the order impugned dated 05.09.2005 that a writ petition was filed before this Court being S.B.Civil Writ Petition No. 2543/2003 which came to be decided by this Court vide order dated 22.3.2005 directing the document of sale in respect of the disputed land to be registered in the name of one Manish Kumar. In compliance of the order of this Court in the said writ petition, the land in question has been transferred in favour of Manish Kumar who is said to be the purchaser from the present petitioners. The Executive Magistrate, considering the provision of sub-section (5) of Section 145 Cr.P.C., found that there does not exist apprehension of breach of peace and therefore, dropped the proceedings. That order when challenged before the revisional court, was not interfered with by the revisional court.

I do not find any ground to interfere in the inherent jurisdiction. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court.

The petition has no force and is therefore, dismissed.

(H.R.PANWAR),J.

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